

REMARKS

The claims have been amended by rewriting claims 1 and 11, and adding new claims 17 and 18. Claims 1-18 remain in the application. No new matter has been added.

Reconsideration of this application is respectfully requested.

**Claim Rejections - 35 U.S.C. § 103:**

*Claims 1-5, 7, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Varela et al. '078. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Varela et al. '078 in view of Segura et al. '076. Claims 8, 10-14, and 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Varela et al. '078 in view of Cook et al. '284. Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Varela et al. '078 in view of Cook et al. '284 and further in view of Raith '461.*

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a). Varela describes in column 1, lines 22-25 consoles that are operated by a dispatcher such that the dispatcher can monitor the activity of particular communication groups and respond thereto. However, the term dispatcher as used in the Background of the Varela reference is describing an individual monitoring a CRT console (col. 1, lines 30-32) so that, for example, the dispatcher may dispatch particular units to assist another unit or respond to emergency conditions or transmit a general message (col. 1, lines 22-28). This individual in Varela is not gathering a communication statistic. Also, as the Examiner stated, Varela does not disclose reconfiguring a grouping of radios based on a gathered communication statistic. Accordingly, the rejection of independent claims 1 and 11 is believed to be overcome.

The rejection of dependent claims 4-5, 7, and 9 provide further limitations to what is believed to be an allowable claim 1 and hence are also in condition for allowance.

Dependent claim 6 provides further limitation to what is believed to be an allowable claim 1 and thus is also in condition for allowance.

Dependent claims 8, 10 provide further limitations to what is believed to be an allowable claim 1 and thus are also in condition for allowance.

Dependent claims 12-14 and 16 provide further limitations to what is believed to be an allowable claim 11 and thus are also in condition for allowance.

Dependent claim 15 provides further limitation to what is believed to be an allowable claim 11 and hence is also in condition for allowance.

#### New Claims

New claim 16, which is dependent on claim 1, has been added along with new claim 17, which is dependent on independent claim 11. Both these claims further define the communication statistic as being talk-time associated with each of the plurality of radios. These claims 16 and 17 are fully supported by the specification on page 4, lines 1-3, lines 13-15, and lines 25-30. No new matter has been added.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 50-0757.


Respectfully submitted,

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AS AMENDEDIN THE CLAIMS:Amend the claims as follows:

1. (Once Amended) A method for accessing a radio communication system having a plurality of radios, comprising the steps of:
  - (e) separating the plurality of radios into two or more groups;
  - (f) gathering a communication statistic on the plurality of radios; and
  - (g) reconfiguring the grouping of radios based on the communication statistic gathered in step [(a)] (b).
2. A method as defined in claim 1, further comprising the step of:
  - (h) allowing access to the radio communication system based on the grouping of the radios.
3. A method as defined in claim 1, wherein the communication statistic gathered in step (b) comprises the average channel usage by each of the plurality of radios.
4. A method as defined in claim 1, wherein the communication statistic gathered in step (b) comprises the number of channel accesses per unit time by each of the plurality of radios.
5. A method as defined in claim 1, wherein the communication statistic gathered in step (b) comprises the priority of each of the plurality of radios.
6. A method as defined in claim 1, wherein the communication statistic gathered in step (b) comprises the average received signal strength of each of the plurality of radios.

7. A method as defined in claim 2, repeating steps (b) through (d) periodically.
8. A method as defined in claim 1, wherein the two or more groups of radios established in step (a) can access the radio communication system at specified times which are different for each of the two or more groups.
9. A method as defined in claim 1, wherein step (b) is performed by a radio communication system controller.
10. A method as defined in claim 1, wherein step (b) is performed by each of the plurality of radios.
11. (Once Amended) A method for accessing a synchronized radio communication system having a plurality of radios, comprising the steps of:
  - (e) separating the plurality of radios into two or more groups;
  - (f) gathering a communication statistic on the plurality of radios;
  - (g) reconfiguring the grouping of radios based on the communication statistic gathered in step [(a)] (b); and
  - (h) allowing access to the radio communication system by each of the two or more groups of radios at different predetermined periods of time.
12. A method as defined in claim 11, wherein the radio communication system comprises a time division multiple access radio communication system.
13. A method as defined in claim 11, wherein steps (b) and (c) are repeated periodically.
14. A method as defined in claim 11, wherein the communication statistic in step (b) is gathered by a central radio communication system resource.

15. A method as defined in claim 11, wherein the communication statistic in step (b) is gathered by each of the plurality of radios.

16. A method as defined in claim 11, wherein steps (b) and (c) are performed at predetermined periods of time.

Add the following new claim(s):

17. (New) A method as defined in claim 1, wherein the communication statistic gathered in step (b) comprises talk-time associated with each of the plurality of radios.

18. (New) A method as defined in claim 11, wherein the communication statistic gathered in step (b) comprises talk-time associated with each of the plurality of radios.